

Pro Se 15 (Rev. 12/16) Complaint for Violation of Civil Rights (Non-Prisoner)

# UNITED STATES DISTRICT COURT

for the

District of Nebraska

Omaha Division

U. S. DISTRICT COURT  
DISTRICT OF NEBRASKA

2022 MAY 16 AM 9:13

Case No.

8:22 cv 179

(to be filled in by the Clerk's Office)

Conan Lee Thomas

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Norris School District 160

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

## COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Non-Prisoner Complaint)

### NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

**I. The Parties to This Complaint****A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Conan Lee Thomas		
Address	850 Larkspur Drive		
	Hickman	Ne	68372
	City	State	Zip Code
County	Lancaster		
Telephone Number	4095403168		
E-Mail Address	conanleethomas@gmail.com		

**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

## Defendant No. 1

Name	Norris School District 160		
Job or Title (if known)			
Address	25211 S 68 <sup>th</sup> St		
	Firth	Ne	68358
	City	State	Zip Code
County	Lancaster		
Telephone Number	402 279 0010		
E-Mail Address (if known)	brian.maschmann@nsdtitans.org		
<input type="checkbox"/> Individual capacity <input checked="" type="checkbox"/> Official capacity			

## Defendant No. 2

Name			
Job or Title (if known)			
Address			
	City	State	Zip Code
County			
Telephone Number			
E-Mail Address (if known)			
<input type="checkbox"/> Individual capacity <input type="checkbox"/> Official capacity			

## Pro Se 15 (Rev. 12/16) Complaint for Violation of Civil Rights (Non-Prisoner)

## Defendant No. 3

Name \_\_\_\_\_

Job or Title *(if known)* \_\_\_\_\_

Address \_\_\_\_\_

City

State

Zip Code

County \_\_\_\_\_

Telephone Number \_\_\_\_\_

E-Mail Address *(if known)* \_\_\_\_\_☐ Individual capacity ☐ Official capacity

## Defendant No. 4

Name \_\_\_\_\_

Job or Title *(if known)* \_\_\_\_\_

Address \_\_\_\_\_

City

State

Zip Code

County \_\_\_\_\_

Telephone Number \_\_\_\_\_

E-Mail Address *(if known)* \_\_\_\_\_☐ Individual capacity ☐ Official capacity

## II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against *(check all that apply)*:

☐ Federal officials (a *Bivens* claim)

☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

Violation of Amendments 1,5, 8 and 9 of the US Constution. No Law prohibiting free exercise of religion, Abridging freedom of speech, Right to petition government for grievances. Deprivation life, liberty and property. Cruel unusual punishment. Restricting free movement though out the Federation. Defamation of Character

- C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

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- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

Lincoln Nebraska Health Director Mandate. I would attach correspondence but the District refuses to comply with individual FOIA requests for communications mentioning any references to my name as well as Surety Bond requests.

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### III. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. Where did the events giving rise to your claim(s) occur?

Norris School District 160 and my home.

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- B. What date and approximate time did the events giving rise to your claim(s) occur?

Initial start date was August 6<sup>th</sup>, 2021. I'm banned from school property for the rest of the school year. The issue is on going.

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- C. What are the facts underlying your claim(s)? (For example: *What happened to you? Who did what? Was anyone else involved? Who else saw what happened?*)

District 160 forced residents to wear masks when there was not a mandate issued by the Lancaster County Health Department, which is a direct violation of the 9th Amendment. They also committed age discrimination by forcing certain age children to wear masks while others didn't have to. They committed physical and mental abuse to students every day by forcing children to wear masks against the will of legal guardians. I submitted religious exemptions and District 160 told me to prove my deeply held belief. The 1st Amendment clearly states no law can prohibit the exercise of free religion, District 160 then denied my religious exemption. This action resulted in not being able to travel freely through the Federation which violates the 9th Amendment. I exercised my 1st Amendment right to communicate my disdain through letters, email, phone communication and petitioned the school board. District 160 retaliated by sending a sheriff to my home with a letter of No Trespass, deeming me hostile and a threat, which was and is a lie. District 160 committed defamation of character by doing this with their false statement of hostility with a publication to at least one third party, recklessly to silence using my civil rights. District 160 committed negligence by not taking proper care in addressing me, which resulted in damages to me. For example, I have missed out on my first grader's entire year of school due to the No Trespass order. Because of District 160 actions against me, people in my community believe me to be leader of a hate group. This couldn't be further from the truth, what I am is a combat Veteran, volunteer firefighter and currently number one responder in my district. My God given rights have been violated and through the District's defamation of character, they've cast me in a bad light with my community that I selflessly serve. I believe me being banned from the school grounds is a violation of my 8th Amendment. I haven't committed a crime nor have I been charged with a crime. My punishment does not fit the crime because one was not committed. The Deputy that delivered the No Trespass order shares the same last name as the current Superintendent, coincidentally. Lancaster County Sheriff's office say they have no record of the No Trespass order. District 160 violated my 1st Amendment rights when they told me in the No Trespass order I could only communicate through the USPS. The District's elected officials refuse to comply with request to receive their surety bonds. District 160 violated the Open Meeting Act by not allowing me to attend. District 160 refuses to comply with individual FOIA request for information regarding references to my name "Conan Thomas." The only thing I am guilty of is exercising my Constitutional Rights, District 160 has punished me for doing so.

#### IV. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

Missed my first graders school year. A percentage of my community which I selflessly serve deem me a violent threat to my child's school. My combat PTSD has been aggravated by the treatment I've received from District 160. My relationships with my immediate family members has suffered because of District 160.

**V. Relief**

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

I'm seeking monetary compensation of \$100,000,000.00

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**VI. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

**A. For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 5-3-2022

Signature of Plaintiff

Printed Name of Plaintiff

Conan Thomas  
Conan Thomas

**B. For Attorneys**

Date of signing: \_\_\_\_\_

Pro Se 15 (Rev. 12/16) Complaint for Violation of Civil Rights (Non-Prisoner)

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Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

*City*

*State*

*Zip Code*

Telephone Number

E-mail Address





**Norris School District 160**

Dr. John Schwartz, Superintendent  
Dr. Brian Maschmann, Assistant Superintendent

25211 South 68th  
Firth, NE 68358

Phone: (402) 791-0000  
Fax: (402) 791-0025

September 16, 2021

**VIA CERTIFIED MAIL**

Conan Thomas  
850 Larkspur Drive  
Hickman NE 68372

**RE: No Trespassing Letter**

Dear Mr. Thomas:

Over the past month, you have sent numerous emails and constantly left voicemails for Norris School District staff members. Over time, these messages have become increasingly hostile and threatening towards the District and its staff members. Norris School District Threat Assessment Team, including a law enforcement representative, met on September 14, 2021 to discuss your ongoing communications to District employees, and the possible threat of your actions toward the Norris School District and its staff. The Threat Assessment Team has determined that you are a threat to the district due to the communication to Norris staff members and Norris School Board Members. Due to this determination and your past behavior, you will not be permitted on Norris School District 160 property or at Norris School District 160 activities during the 2021-2022 school year. As such, you are hereby given notice that you are not licensed or permitted to be on school grounds, at a school sponsored activity, or on any property under the control of Norris School District 160. If you violate these conditions, you will be a trespasser and appropriate law enforcement assistance will be called. In addition, the District will not respond to any of your emails or voicemails in the future. If you wish for the District to communicate with you, you must write to me by U.S. mail and I will then determine whether your letter warrants a response.

In the event you feel that this action is not appropriate you may send me a written report detailing your reasons for disagreeing with this action. In the meantime, until or unless I take action otherwise, this letter stands.

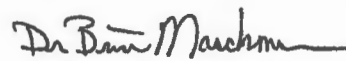
There may be times when it will be appropriate for you to be at school. If you would like to request a specific date and time for you to be on school property, then you must write to me in advance and set forth the reason you would like to be at school and why you cannot achieve your purpose without being on school grounds. I will then determine whether to allow your requested

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entry to school and the conditions of such entry. If your request is granted, I or a designee will issue you a written permission form which would allow you to be at school or to contact staff under those conditions. Without such a written permission, you are not allowed to be on school grounds or at any school activity. Your daughter's parent-teacher conference is on September 21 at 6pm, you will need to set up a ZOOM meeting time with me or only have Mrs. Thomas attend Olivia's conference in person.

Sincerely,



Dr. Brian Maschmann, Assistant Superintendent  
Norris School District 160

Sent via certified or registered mail and  
via Regular First Class U.S. Mail





## Norris School District 160

25211 South 68th  
Firth, NE 68358

Dr. John Schwartz, Superintendent  
Dr. Brian Maschmann, Assistant Superintendent

Phone: (402) 791-0000  
Fax: (402) 791-0025

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March 23, 2022

**VIA CERTIFIED MAIL**

Mr. Conan Thomas  
850 Larkspur Drive  
Hickman, NE 68372

Re: Records Request

Dear Mr. Thomas:

This letter is in response to your records request letters, all dated March 18, 2022, directed to 14 different individuals at Norris School District 160. The District received your requests on March 21, 2022.

Your requests seek “all communication of [Norris School member] that mentions my name ‘Conan Thomas,’ or any other reference to my identity” from the following individuals at Norris:

1. Dr. John Schwartz
2. Dr. Brian Maschmann
3. Dr. Brittany Hajek
4. Dr. Brenda Tracy
5. Noel Erskine
6. John Brady
7. Savannah Engle
8. Jason Gault
9. Rhonda Burbach
10. Patty Bentzinger
11. Jim Devine
12. Jim Craig
13. Gary Kubicek
14. Craig Gana

In addition, you requested the following:

- “A copy of John Brian Maschmann liability bond that he is required to hold via Ne State Statute . . .”
- “Schwartz/Board members liability bonds that they are required to carry via Ne State Code . . .”

Conan Thomas  
March 23, 2022  
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### *Communications*

At the outset, the District considers all 14 of your records requests to be one records request, since they all focus on the same request for information.

Next, as previously noted to you, the District's ability to search its emails and attachments is very time consuming. In particular, your request for "all communications" involving "any other reference to my identity" is nearly impossible for our Director of Technology to search, given that we have no way of knowing or ensuring that any given search term would identify every responsive document across 14 different email accounts. For instance, "Conan," "Thomas," "Conan," "Mr. Thomas," "Conan L. Thomas," "CT," "Conan Thomas," are just a few examples of possible search terms that may not even catch every reference to you by all 14 individuals. The search term "Thomas" alone will generate thousands of responsive emails, especially since you have not identified any date parameters. Indeed, there are no time parameters on your request, so our Directory of Technology would be conducting a search for years' worth of emails to determine what emails relate to you. After receiving your request, the Director of Technology spent several hours merely conducting a search of the 14 email accounts for "Conan Thomas" that resulted in 600 emails and/or attachments. Granted, of these 600 results, it is likely that most (or the substantial majority) of these may not even relate to you, since "Conan" and "Thomas" could appear separately in the same attachment. Further, it is possible that school or parent directories are attached to multiple email strands and, therefore, yield multiple results on the same chain.

Given that you have submitted such a broad request that is very difficult for us to manage, we estimate that it will take over 300 hours to conduct a complete search of 14 email accounts for your name and "any other reference to [your] identity." As previously indicated to you, the Director of Technology's hourly rate is \$59.31. Thus, the District will require a deposit of \$17,793 to conduct this search. The District will not charge you for the time already spent searching emails to date, but the Director of Technology will not spend any more time on this request until we receive your deposit.

Finally, I want to reiterate that we want to work with you and that the District has nothing to hide. However, your requests continue to be so broad in scope that we would need to devote significant time and resources to fulfilling your requests. As a result, I encourage you to (1) provide specific search terms that you would like us to search; (2) provide a timeframe to conduct these searches; and (3) limit the number of email accounts you would like searched to minimize the time required. For example, Dr. Tracy is the District's Director of Special Education. Most emails including Dr. Tracy involve a special education student, which will require careful review and redaction. The same privacy concerns are true of classroom teachers and principals, who may be copied on email strands that do not relate to you at all.

Please let me know how you want to proceed as I will continue to work with you on securing the specific documentation that you would like to receive.

Conan Thomas  
March 23, 2022  
Page 3

***“Liability Bonds”***

You requested various “bonds” that you claim are required by statute. To our knowledge, the “bonds” you referenced as not required by the State of Nebraska. As a result, the District does not have any documents responsive to your request. The District does contract with ALICAP Insurance for liability and insurance coverage. To the extent you wish to review our insurance policies, I will contact ALICAP to authorize the release any insurance information that they may have to you.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Schwartz', written over the word 'Sincerely,'.

Dr. John Schwartz, Superintendent  
Norris School District #160

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